

**Notice of Allowability**

Application No.

10/757,956

Applicant(s)

LEON, ROBERT L.

Examiner

Hugh B. Thompson II

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 2-22-05 and Telephone Interview of May 26, 2005.
2. ☒ The allowed claim(s) is/are 1,3-12 and 14-45.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                     | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>5-26-05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|   | 9. <input type="checkbox"/> Other _____.  |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Leslie Kasten on May 26, 2005.

The application has been amended as follows:

Claim 1, line 13, before "determined", --the descent speed being-- has been inserted.

Claim 1, line 14, after "describes", --, for the amount of remaining cable,-- has been inserted.

Claim 1, line 16, after "total", --amount of-- has been inserted.

Claim 1, line 18, before "where", --and-- has been inserted.

Claim 1, line 19, after "line", --in the vicinity of the intersection-- has been inserted.

Claim 12, line 2, after "brake", --, which includes a stator and a rotor with a gap therebetween, wherein the size of the gap between the stator and the rotor is adjustable prior to the descent-- has been inserted.

Claim 13 has been cancelled.

Claim 37, line 5, before "cable", --(1)-- has been inserted.

Claim 37, line 6, before "a descent", --(2)-- has been inserted.

Claim 38, line 13, before "determined", --the descent speed being-- has been inserted.

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Claim 38, line 14, after “describes”, --, for the amount of remaining cable,-- has been inserted.

Claim 38, line 16, after “total”, --amount of-- has been inserted.

Claim 38, line 18, before “where”, --and-- has been inserted.

Claim 38, line 19, after “line”, --in the vicinity of the intersection-- has been inserted.

Claim 39, line 16, before “determined”, --the descent speed being-- has been inserted.

Claim 39, line 17, after “describes”, --, for the amount of remaining cable,-- has been inserted.

Claim 39, line 18, after “total”, --amount of-- has been inserted.

Claim 39, line 21, before “where”, --and-- has been inserted.

Claim 39, line 22, after “line”, --in the vicinity of the intersection-- has been inserted.

Claim 40, line 6, after “person”, --such that the energy dissipating mechanism enables the person to attain automatically within his descent, a descent speed of less than four feet per second-- has been inserted.

Claim 41, line 10, after “cable”, --such that the energy dissipating mechanism enables the person to attain automatically within his descent, a descent speed of less than four feet per second-- has been inserted.

Claim 42, line 6, after “person”, --, which enables the person to attain automatically within his descent, a descent speed of less than four feet per second-- has been inserted.

Claim 43, line 6, after “person”, --, which enables the person to attain automatically within his descent, a descent speed of less than four feet per second-- has been inserted.

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Claim 44, line 6, after “person”, --, which enables the person to attain automatically within his descent, a descent speed of less than four feet per second-- has been inserted.

Claim 45, line 2, “cocoon-like” has been deleted.

The following is an examiner’s statement of reasons for allowance: the primary reason for the allowance of claims 1 and 37-44, is the inclusion of an energy dissipating mechanism/means that “enables the person to attain automatically within his descent, a descent speed of less than four feet per second”, the mechanism/means disclosed as comprising an air resistance fan with a plurality of vanes, or a generator and resistance, or a stator and a rotor with a gap therebetween, wherein the size of the gap between the stator and the rotor is adjustable prior to the descent. The prior art of record fails to teach or suggest the claimed features absent the applicant’s own disclosure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II  
Primary Examiner  
Art Unit 3634

May 26, 2005